

**STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS
1227 O STREET, ROOM 105
SACRAMENTO, CA 95814**

PROPOSED TEXT

**TITLE 12. MILITARY AND VETERANS AFFAIRS
DIVISION 2. DEPARTMENT OF VETERANS' AFFAIRS
CHAPTER 3. VETERANS' SERVICES
SUBCHAPTER 5. STATE VETERANS CEMETERY**

Text proposed in *italic type*. Changes since last public comment in **red**.

12 CCR § 462. Monuments and Memorials

(a) All proposals for the construction, placement, or donation of monuments and memorials to state veterans cemeteries shall be subject to the approval of the Secretary of CalVet or his or her designee.

- 1. For purposes of state veterans cemeteries the term 'monument or memorial' is defined as any item that will be placed on state veteran cemetery grounds, including any statue, sculpture, memorial plaque, structure, or landscape feature, typically designed to perpetuate in a permanent manner the memory of a group, event, a war, or similar major military conflict, a branch or major unit of the U.S. Armed Forces, or other significant element of American military history.*

(b) The department shall establish an Advisory Committee for each state veterans cemetery with the purpose to review proposals for the construction, placement, or donation of monuments and memorials at the cemetery.

- 1. The Committee shall follow statutory requirements set forth in State of California Military and Veterans Code and shall be guided in their recommendations by the current U.S. Department of Veterans Affairs National Cemetery Administration (NCA) **Requirements for Review and Acceptance of Memorials in National Cemeteries and NCA Facilities Design Guide.** ~~and NCA Guidelines and Requirements for Review and Acceptance of Memorials in National Cemeteries.~~*
- 2. The community member Co-Chairperson shall be appointed by the Cemetery Administrator.*
- 3. Meetings shall be scheduled by the Co-Chairperson or the Cemetery Administrator within 90 days after a complete proposal is received by the Cemetery Administrator. Proposals may be delivered in person or mailed to the Cemetery Administrator.*
- 4. Meetings will be conducted at a location agreed upon by both the Committee and CalVet Co-Chairs. All meetings shall be conducted in accordance with the Bagley-Keene Open Meetings Act, California Government Code Section 11120 et seq.*

5. *The CalVet Advisory Committee for Monuments and Memorials Operating Guidelines document shall establish the structure and operational responsibilities of all members.*

(c) Proposals that are incomplete shall not be considered for a meeting until they are complete. Upon receiving an incomplete application, the Co-Chairperson or Cemetery Administrator shall advise the applicant of the missing information within 30 days of receipt of the incomplete proposal. Proposals submitted to the Committee and department for review shall include the following elements.

1. *Name and contact information of the donor, individual, or organization.*
2. *A complete detailed description of the monument or memorial donation proposed. Monuments and memorials approved by the Committee shall provide an appropriate symbolic and historical representation of the armed forces and the service and sacrifice veterans provide to our country.*
3. *A conceptual monument or memorial design in accordance with NCA Guidelines and must show Americans with Disabilities Act compliance.*
4. *A signed acceptance of all financial responsibility for the proposed monument or memorial by the donor. The source of funds shall be identified such as public, private, individual, or institution, etc.*
5. *Other requested requirements specific to the structure.*

(d) The Committee, after completing their full review of the proposed monument or memorial, shall submit their approval to the Cemetery Administrator to submit to the department. Approval of a donated monument or memorial by the department shall follow the procedures described in this section.

1. *The proposal for a monument or memorial shall then be reviewed by the department's capital outlay unit. A recommendation may be to approve the proposal in full, approve with changes, or decline. If changes are required, the donor has 30 days to agree to the changes, or the application shall be declined. When an application is declined, then the Cemetery Administrator shall advise the applicant of the denial and the reason for the denial in writing. ~~The donor may appeal the department's decision to the CalVet Board.~~ When a proposed monument or memorial is approved in concept by the department, the Cemetery Administrator shall mail the donor a letter of conditional approval. The donor may then move forward to completing a design package to include working drawings of the monument or memorial.*
2. *The donor shall then develop a complete design package to include working drawings and specifications in accordance with all State of California building codes. If applicable, the design package shall include assurance that the monument or memorial is structurally sound by including an engineered set of plans and structural calculations for lateral and vertical loads signed and sealed by a State of California licensed civil or structural engineer. A complete project schedule, from start to completion, for the proposed monument or memorial. As applicable, the donor shall include appropriate regulatory agency reviews and approvals. Those reviews may consist of but are not limited to a ~~certified~~ *licensed* architect, *licensed civil or structural engineer*, State Fire Marshal, Division of the State Architect review for access compliance, and/or Office of*

Historic Preservation for historical review. All review costs shall be the responsibility of the donor.

3. *The completed design package of a proposed monument or memorial shall then be reviewed by the department's ~~designated~~ capital outlay unit, to include all relevant elements in 462(c). Feedback on the design package is to be provided within an additional period of 30 days. A recommendation may be to approve with changes, decline, or approve the design in full. If changes are required, the donor has 30 days to agree to the changes, or the application shall be declined. When an application is declined, then the Cemetery Administrator shall advise the applicant of the denial and the reason for the denial in writing. ~~The applicant may appeal the Cemetery Administrator's decision to the CalVet Board.~~ When a design is approved by the department's ~~designated~~ capital outlay unit, the proposal shall be forwarded to the Deputy Secretary for the Veteran Services Division for approval. If approved, the proposal will be sent to the Department Secretary or his or her designee for final approval. When the Department Secretary or his or her designee approves the design package, the department will submit a Right of Entry Permit request with the Department of General Services on behalf of the donor. Upon approval of the Right of Entry Permit, the donor may begin construction of the monument or memorial.*
4. *In addition to the construction requirements listed in the NCA Guidelines and Requirements for Review and Acceptance of Memorials in National Cemeteries, inspection of the construction of the monument or memorial may be required by a Department of General Services construction inspector. In addition, special inspections may be required for certain constructions such as welding and concrete mix design. All inspection costs shall be the responsibility of the donor.*

(e) A progress report of approved monument or memorial projects shall be provided by the donor to the Cemetery Administrator for each proposed monument or memorial, no less than annually, when the design changes, or as otherwise requested by the department. The progress report shall contain current budget status, and any proposed design changes or anticipated changes to the proposed schedule.

(f) ~~Final review and inspection and approval of a monument or memorial project shall be conducted by the department's capital outlay unit to ensure adherence to the approved design package.~~ It shall be understood that once a monument or memorial has been constructed and placed in the cemetery, the monument or memorial becomes property of the State of California.

(g) The department shall designate a monument and memorial section at each State Veterans Cemetery. All donated monuments and memorials shall be located within this memorial section(s) of the cemetery. The Cemetery Administrator shall manage the memorial section and assign locations based on availability within the memorial section of the cemetery. The monument and memorial section shall have predetermined plots of adequate size to accommodate future proposed monuments and memorials. The size of these monuments and memorials shall be in alignment with current National Cemetery Administration Facilities Design Guide as well as National Cemetery Administration Guidelines and Requirements for Review and Acceptance of Memorials in National Cemeteries.

*Note: Authority cited: Military and Veterans Code: Sections 1402(c), 1456(c), 1414(c).
References: Military and Veterans Code: Sections 1402, 1456, 1414.*